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OLC # 78-2634

14 July 1978

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MEMORANDUM FOR THE RECORD

SUBJECT : Agent's Answers to HSCA Questions

1. In the course of a meeting with Mr. Blakey yesterday I inquired about HSCA consideration of the formula for getting answers from agents for HSCA questions. He spoke in very unspecific terms about how this had been considered within the staff, and I could only infer that it had been raised in some way (although not definitively) with the Chairman. Mr. Blakey expressed his concern about a procedure whereby the investigators do not have direct access to the agent. I stated that the formula offered put the HSCA investigator in a position to be sure that the matter was handled properly. This is the 3-room procedure with an inspector shuttling between the agent and the HSCA investigator.

2. Mr. Blakey launched into some abstract legal analogies. He said that at law an investigator should have access to agents and said that surely I did not favor a lawless situation. I replied, in effect, that practice under American law, within the United States, was not analogous to situations outside the United States. I said that it was not a question of being lawless. There is a great deal of established practice and tradition in the laws of nations about the necessary conduct of espionage. I observed that even American law was somewhat contrived and subject to manipulation by attorneys, and that its application to the necessary conduct of espionage simply had nothing to do with it.

3. While it was left up in the air, my earlier optimism is somewhat deflated. I cannot believe, at this point, that HSCA investigators would go back to the field and try to establish direct contact with our agents, while the matter is still subject to decision between the DCI and Chairman Stokes.

OLC/SDB/hfs

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